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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,528	10/19/2001	Barry Hand	06886.0005-00	7251
7590 12/01/2004 Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,528

Applicant(s)

EHRENREICH ET AL.

Examiner

Hanh V. Tran

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 31-38, 41 and 42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30, 39, 40 and 43-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 8/24/2004.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, since claim 1 recited that service module comprising, among others, "at least one panel for at least partially controlling a movement of the suspension system", the recitation in claim 15 of the at least one shelf having "a control panel for at least partially controlling a movement of the suspension system" renders the claim indefinite for failing to clearly define whether it is the same or different control panel from the one in claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 39, 43-54 are rejected under 35 U.S.C. 102(e) as being anticipated by

US2003/0014817 A1 to Gallant et al.

Gallant et al discloses a servicing system comprising all the elements recited in the above listed claims, such as shown in Figs 1 and 8-10, including a suspension system 88 connected to an overhead support structure; a service module 62 coupled to the suspension system having a plurality of connectors 73; an equipment support assembly having a support column 70, at least one shelf coupled to the support column; a mobile platform 48 having at least one spine 150 and the equipment support assembly having at least one cavity 142 for decoupling of the equipment support assembly from the service module; wherein the mobile platform further comprises a vertically adjustable upper base member coupled to a lower base member by at least one cross link assembly.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1-13, 15, 18-30, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gallant et al in view of USP 6,196,649 B1 to Block et al.

Gallant et al discloses all the elements recited in the above listed claims except for the service module comprising at least one control panel for at least partially controlling a movement of the suspension system, a shelf base member extending generally in a direction of the shelf length dimension, an adjustable clamping assembly having at least two spaced apart, movable clamp plates that approximately define a width of the at least one shelf member coupled to the shelf member and extending generally in a direction of the shelf width dimension, wherein the at least two clamp plates extend vertically and are coupled together to move in unison.

Block et al discloses a servicing system comprising, such as shown in Figs 1 and 2, a suspension system connected to an overhead support structure; a service module A coupled to the suspension system having a plurality of connectors F, at least one handle E, at least one control panel having pushbuttons I; an equipment support assembly having a support column 12', such as shown in Fig 7, at least one shelf G coupled to the support column and having an adjustable clamping assembly comprising two spaced apart, movable clamp plates, such as shown in Fig 8B being coupled together to move in unison; the at least one shelf member comprises a coupling assembly having at least two shelf arms, such as shown in Fig 8B, and an adjustment mechanism 86', 88', a shelf base member 84, a clamping assembly coupled to the shelf base member, such as shown in Fig 8A, and a coupling assembly attached to the shelf base member 84, such as shown in Fig 8B; wherein the at least one control panel facilitates at least partially controlling a movement of the suspension system, the suspension system allows the equipment support assembly to move along three separate and perpendicular axes when coupled to the overhead suspension system, and the adjustable clamping assembly allows coupling to the shelf base member of various widths. Therefore, it would have been obvious to

modify the structure of Gallant et al, in view of Block et al, by providing the service module with at least one control panel for the purpose of facilitating at least partially controlling a movement of the suspension system, by providing the suspension system of Block et al in order to allow the equipment support assembly to move along three separate and perpendicular axes when coupled to the overhead suspension system, by providing an adjustable clamping assembly in order to allow coupling to the shelf base member of various widths, as taught by Block et al, since both teach alternate conventional servicing system, used for the same intended purpose, thereby providing structure as claimed.

In regard to the method claims, Gallant et al, as modified, discloses all the elements as discussed above except for disclosing the method steps recited in the above listed claims. However, since Gallant et al, as modified, discloses all the elements recited in the above listed claims, it would have been obvious and well within the level of one skill in the art, based on Gallant et al, as modified, to perform the method steps recited in said claims.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant et al, as modified, as applied to claim 1 above, and further in view of USP 3,869,106 to Gregov.

Gallant et al, as modified, discloses all the elements as discussed above except for clearly stating that the shelf member includes an elastomeric bumper element.

Gregov teaches the idea of providing a horizontal supporting surface with an elastomeric bumper element in order to provide a safe protective cover for exposed sharp edges. Therefore, it would have been obvious to modify the structure of Gallant et al, as modified, by providing the shelf member with an elastomeric bumper element in order to provide a safe protective cover for

exposed sharp edges, as taught by Gregov, since both teach alternate conventional horizontal supporting structure, thereby providing structure as claimed.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant et al, as modified, as applied to claim 1 above, and further in view of USP 4,934,933 to Fuchs.

Gallant et al, as modified, discloses all the elements as discussed above except for the at least one shelf including at least one electric, fluid or data connector for allowing access to electricity, fluid or data from the at least one electric line, fluid line, or data line.

Fuchs discloses a servicing system comprising, such as shown in Fig 1, a suspension system 12 connected to an overhead support structure, a service module, such as shown in Figs 5-7, coupled to the suspension system having a plurality of connectors (col. 6, lines 22-60), an equipment support assembly having a support column 26, at least one shelf coupled to the support column and including at least one electric, fluid or data connector for allowing access to electricity, fluid or data from the at least one electric line, fluid line, or data line. Therefore, it would have been obvious to modified the structure of Gallant et al, as modified, by providing the at least one shelf including at least one electric, fluid or data connector for allowing access to electricity, fluid or data from the at least one electric line, fluid line, or data line, as taught by Fuchs, since both teach alternate conventional servicing system, used for the same intended purpose, thereby providing structure as claimed.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant et al, as modified, as applied to claim 1 above, and further in view of USP 5,186,337 to Foster.

Gallant et al, as modified, discloses all the elements as discussed above except for the at least one shelf comprising a rotatable and tiltable platform.

Forster et al discloses a servicing system comprising, such as shown in Figs 1 and 3, a suspension system 16 connected to an overhead support structure, a service module 15 coupled to the suspension system having a plurality of connectors 28, an equipment support assembly having a support column 150, at least one shelf coupled to the support column having a rotatable and tiltable platform, and an arm assembly coupled to the support column at one end and having a video display monitor 121 coupled at another end, wherein the rotatable and tiltable platform increases versatility of the at least one shelf. Therefore, it would have been obvious to modify the structure of Gallant et al, as modified, by providing the at least one shelf having a rotatable and tiltable platform in order to increase the versatility of the at least one shelf, as taught by Forster et al, since both teach alternate conventional servicing system structure, used for the same intended purpose, thereby providing structure as claimed.

Response to Arguments

12. Applicant's arguments filed 8/24/2004 have been fully considered but they are not persuasive. In response to applicant's argument on page 18 that Block et al teaches away from an adjustable clamping device based on Block's statements in col. 2, lines 58-60, the examiner takes the position that said statement does not mean block et al requires the assembly of a new main body in order to increase the width of its support shelves, but merely discloses alternate arrangement for supporting shelves of various widths. Further, Block et al meets the claimed limitations by disclosing the adjustable clamping assembly as stated in its disclosure.

13. Applicant's arguments with respect to claims 8, 25 have been considered but are moot in view of the new ground(s) of rejection.

14. In response to applicant's arguments regarding claim 39, the examiner takes the position that the claimed language fails to provide adequate structure limitations in order to distinguish applicant's shelf assembly from Gallant et al.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT *HVT*
November 28, 2004

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